THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6677 OF 2007

DATED: 02-04-2007

BETWEEN

M/s. Excel Constructions,
Rep. by its Partner Sri U. Harikrishna,
D.No.6-14-5, Innisupet, Rajahmundry
and another.

...PETITIONERS

AND

The City Planner
Rajahmundry Municipal Corporation,
Rajahmundry and another.

...RESPONDENTS

ORDER:

It is the case of the petitioners that the first petitioner is a partnership firm and the second petitioner is the partner of the first petitioner-firm. It is stated that they have acquired an extent of
810 sq. yards of land covered by T.S.No.158/P Ward No.1, Block No.7, Rajahmundry and also purchased an extent of 240 sq. yards of land covered by T.S.No.158/P, Ward No.1, Block No.7, Rajahmundry.

It is stated that they also obtained sanction plan for construction of stilt + ground + 4 floors (30 flats only) as residential premises in Dr.No.6-14-5 and 6 in T.S.No.158/P, Ward No.1, Block No.7, Achanta Vari Street, T. Nagar, Rajahmundry subject to certain terms and conditions that they shall not deviate the approved plan for which the permission is accorded, that the width of the balcony shall not exceed the measurements shown in the

approved plan and that the existing space provided in the stilt shown in the approved plan shall not be used for any other purpose than parking as per the approved plan etc. It is stated that the petitioners have not deviated from any of the conditions stipulated in the proceedings Roc.No.6755/2004-G1, B.A.No.784/2005-G1 dated 23.01.2006. But the respondents without issuing any notice are threatening to demolish the portions of the constructions made by the petitioners.

2. I am of the opinion that the respondents without issuing any notice pointing out the deviations/alterations or unauthorized constructions or violation of the relevant conditions stipulated in the sanction plan by the petitioners, cannot demolish the constructions of the petitioners.

3. Having regard to the facts and circumstances of the case,

the writ petition is disposed of directing the respondents to issue notice pointing out the deviations/alternations/unauthorized constructions made by the petitioners and then take appropriate action in accordance with law. There shall be no order as to costs.

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V. ESWARAIAH, J

April 2, 2007

Note: Furnish C.C. of the order by 03.04.2007.

(**B/o**)

DSK